(38)

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

Writ Petition No. 376 of 2005

PETITIONER:

Chandru Ram Bhagat,
S/o Shri Bhukla Ram Bhagat,
Aged about 42 years,
Presently posted and working
as Upper Division Teacher,
Middle School, Rangola,
Block: Jashpur Nagar,
District: Jashpur, Chhattisgarh.

P.R. No. 3832/05
Presented by Shri R. Tripathi
dated 5/8/05

- Versus -

RESPONDENTS:

1. State of Chhattisgarh,
Through the Secretary,
Deptt. of Scheduled Caste &
Scheduled Tribe Development,
D.K.S. Bhawan, Mantralaya,
Raipur, Chhattisgarh.

2. The Commissioner,
Deptt. of Scheduled Caste &
Scheduled Tribe Development,
Raipur, Chhattisgarh.

3. The Collector, Jashpur,
District: Jashpur, Chhattisgarh.

4. The Assistant Commissioner,
Tribal Welfare Department,
Jashpur, Chhattisgarh.

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शपथ आयुक्त
बिलासपुर (छ.ग.)
बिलासपुर तहसील कोर्ट

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT/WRITS, DIRECTIONS ETC., IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ANY OTHER SUITABLE WRIT OF LIKE NATURE

The petitioner, above named, most respectfully begs to submit as under: -

XI-HC-22

(25)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.3716 **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

12.08.2005

Shri Sameer Behar, counsel for the petitioner.

Shri Akhil Agrawal, Panel Lawyer for the State/respondents on advance copy.

Heard on admission.

The submission of the learned counsel for the petitioner is that 336 days have been wrongly treated as the days of non-working by the petitioner, by an order dated 08.04.2002 passed by the Assistant Commissioner, Aadivasi Vikas, Jaspur. Learned counsel for the petitioner submits that against the aforesaid order, the petitioner had preferred an appeal before the Commissioner vide Annexure-P/6 on 20.05.2002. He further submits that thereafter, when the post of Commissioner was abolished in the State of Chhattisgarh, the petitioner made a representation to the concerned Secretary for deciding the aforesaid appeal. Now the submission of learned counsel for the petitioner is that, even after such a long period neither the appeal has been decided nor any order has been passed on the representation filed by him on 12.07.2003 before the concerned Secretary. He submits that necessary direction be issued for disposal of statutory appeal filed by the petitioner before the Commissioner on 20.05.2002.

Learned counsel for the petitioner further submits that the rights of the appeal is statutory right available to the petitioner and necessary arrangement must have been made by the State

(पीछे देखिये)

XI-HC-22

20

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 3716 सन् 2005

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Government by appointing the appellate authority to decide the appeal even after abolition of the post of Commissioner.

At this stage, learned counsel for the petitioner submits that the petition may be disposed of with a direction to the State authorities to dispose of the appeal of the petitioner so that the matter comes to an end.

In the facts and circumstances of the case, it is directed that the concerned Secretary of the State will look into the matter so that the appeal filed by the petitioner before the Commissioner on 20.05.2002 is decided at an early date in accordance with law.

The petitioner will file an application before the concerned Secretary for tracing out his appeal along with a copy of this order within a period of one month from today giving all necessary details so that the aforesaid directions issued by this Court may be complied.

With the aforesaid directions, the petition stands disposed of at this stage.

Sd/-
Sunil Kumar Sinha
Judge

Vathi

(पीछे देखिये)